



General Assembly

***Substitute Bill No. 5615***

*January Session, 2005*

\* \_\_\_\_HB05615JUD\_\_041505\_\_ \*

***AN ACT CONCERNING MOTORBOAT NOISE AND MOTORBOAT  
SOUND LEVEL TESTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-129 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The provisions of this section shall apply to vessels operated on  
4 state and federal waters. (1) Every vessel shall carry for each person on  
5 board, so placed as to be readily accessible, at least one buoyant  
6 personal flotation device. The operator or owner of any vessel being  
7 used for recreational purposes, other than a vessel required to have a  
8 certificate of inspection issued by the Coast Guard, shall require any  
9 child under twelve years of age who is aboard such vessel to wear a  
10 personal flotation device while such vessel is underway unless the  
11 child is below deck or in an enclosed cabin. Sailboards shall be exempt  
12 from carrying a personal flotation device if the mast of the sailboard is  
13 secured to the hull by a leash or safety line. (2) Every motorboat with  
14 enclosed fuel storage space or an enclosed engine compartment shall  
15 be equipped with devices for ventilating flammable or explosive gases.  
16 (3) Every motorboat with a carbureted inboard engine shall have the  
17 carburetor of such engine equipped with a flame arrestor or backfire  
18 trap unless such engine is mounted in the aftermost part of the vessel  
19 with no provisions for carrying passengers behind the forward edge of

20 the engine and the carburetor of such engine has its intake opening  
21 above the gunwale line of the vessel in the open atmosphere and  
22 mounted so backfire flames are directed to the rear or vertically away  
23 from the vessel and its occupants. (4) Every motorboat shall have its  
24 engine equipped with an effective muffling device. (5) All inboard  
25 motorboats, all outboard motorboats twenty-six feet or over in length,  
26 and all outboard motorboats less than twenty-six feet in length which  
27 have a compartment in which gases may accumulate, shall be  
28 equipped with a fire extinguisher. (6) Every motorboat sixteen feet or  
29 more in length shall be equipped with a whistle or horn-type sound-  
30 producing device capable of producing a blast of two seconds or more  
31 in duration. On motorboats sixteen feet or more but less than twenty-  
32 six feet in length such device shall be mouth, hand or power-operated  
33 and audible for at least one-half mile. On motorboats twenty-six feet or  
34 more but less than forty feet in length such device shall be hand or  
35 power-operated and audible for at least one mile. On motorboats forty  
36 feet or more but less than sixty-five feet in length such device shall be  
37 power-operated and audible for at least one mile. Every motorboat  
38 twenty-six feet or more in length shall be equipped with a bell capable  
39 of producing a clear bell-like tone of full round characteristics. (7)  
40 Every vessel operated on the waters of Long Island Sound or Fishers  
41 Island Sound between sunset and sunrise shall carry visual distress  
42 signals suitable for night use. Every vessel sixteen feet or more in  
43 length, except manually propelled vessels and open sailboats that are  
44 less than twenty-six feet in length, and are not equipped with  
45 propulsion machinery, operated on the waters of Long Island Sound or  
46 Fishers Island Sound at any time shall carry visual distress signals  
47 suitable for day and night use. No person, operator or owner in a  
48 vessel shall display or allow the display of a visual distress signal  
49 except when assistance is needed because of immediate or potential  
50 danger to persons aboard.

51 (b) No person shall operate or give permission for the operation of  
52 any motorboat on the waters of this state unless such motorboat is at  
53 all times equipped with a muffler which enables such motorboat to be

54 operated in compliance with subsections (c) and (d) of this section and  
55 such muffler is in use. For purposes of this section "muffler" means a  
56 sound suppression device or system designed and installed to abate  
57 the sound of exhaust gases emitted from an internal combustion  
58 engine.

59 (c) No person shall operate or give permission for the operation of  
60 any motorboat on the waters of this state in such a manner as to exceed  
61 the following noise levels: (1) For engines manufactured before  
62 January 1, 1993, a noise level of 90 dB(A) when subjected to a  
63 stationary sound level test as prescribed by Society of Automotive  
64 Engineers Specification Number J2005; (2) for engines manufactured  
65 on or after January 1, 1993, a noise level of 88 dB(A) when subjected to  
66 a stationary sound level test as prescribed by Society of Automotive  
67 Engineers Specification Number J2005. If a motorboat is equipped with  
68 more than one engine, the said noise levels shall apply when all such  
69 engines are simultaneously in operation.

70 (d) No person shall operate or give permission for the operation of  
71 any motorboat on the waters of this state in such a manner as to exceed  
72 a noise level of 75 dB(A) measured as specified by Society of  
73 Automotive Engineers Specification Number J1970.

74 (e) Any officer authorized to enforce the provisions of this chapter  
75 who has reason to believe that a motorboat is being operated in excess  
76 of the noise levels established in subsection (c) or (d) of this section  
77 may request the operator of such motorboat to submit the motorboat  
78 to an on-site test to measure noise levels, with the officer on board  
79 such motorboat if such officer chooses, and the operator shall comply  
80 with such request. If such motorboat exceeds the noise levels  
81 established in subsection (c) or (d) of this section, the officer may direct  
82 the operator to take immediate and reasonable measures to correct the  
83 violation, including returning the motorboat to a mooring and keeping  
84 the motorboat at such mooring until the violation is corrected or  
85 ceases.

86 (f) Any officer who conducts a motorboat sound level test as  
87 provided in this section shall be qualified in motorboat noise testing by  
88 the Department of Environmental Protection. Such qualification shall  
89 include, without limitation, instruction in selection of the measurement  
90 site and in the calibration and use of noise testing equipment.

91 (g) No person shall operate or give permission for the operation of  
92 any motorboat on the waters of this state that is equipped with a  
93 muffler cutout, bypass or similar device which prevents the proper  
94 operation of or diminishes the operating capacity of the muffler.

95 (h) No person shall remove a muffler from a motorboat or alter a  
96 muffler on a motorboat so as to prevent the operation of such  
97 motorboat in compliance with subsections (c) and (d) of this section.

98 (i) No person shall sell or offer for sale any motorboat which is not  
99 equipped with a muffler which enables such motorboat to be operated  
100 in compliance with subsections (c) and (d) of this section. This  
101 subsection shall not apply to the sale or offer for sale of a motorboat  
102 which will be operated solely for the purpose of competing in marine  
103 races or regattas, provided upon the sale of a motorboat which is not  
104 equipped with such a muffler, the seller shall provide to the purchaser,  
105 and the purchaser shall date and sign, the following statement: "I  
106 understand that this motorboat may not be operated for any purposes  
107 other than competing in a marine race or regatta authorized under  
108 section 15-140b of the Connecticut general statutes". Such statement  
109 shall include the hull identification number of the motorboat being  
110 purchased. Not later than five days after the sale, the seller shall  
111 submit to the commissioner a copy of such signed and dated  
112 statement. The seller and purchaser shall each retain a copy of the  
113 statement.

114 (j) The provisions of subsections (c) and (d) of this section shall not  
115 apply to the operation of a motorboat participating in a marine race or  
116 regatta authorized by the commissioner under section 15-140b.

117 (k) All devices and equipment required by this section shall be of a

118 type and carried in the quantity and location approved by the  
119 commissioner or by the United States Coast Guard.

120 (l) Sirens shall not be used on any vessel except that law  
121 enforcement vessels of the United States, this state or a political  
122 subdivision of this state may use sirens when engaged in law  
123 enforcement activities or when identification is necessary for safety  
124 reasons. Any vessel may be equipped with a theft alarm signal device  
125 if such device is so designed that it cannot be used as an ordinary  
126 warning signal.

127 (m) Any person who violates any provision of subsection (a) of this  
128 section shall have committed an infraction. Any person who fails to  
129 comply with a request or direction of an officer made pursuant to  
130 subsection (e) of this section shall be fined not less than three hundred  
131 fifty dollars nor more than five hundred fifty dollars and shall be fined  
132 not less than four hundred fifty dollars nor more than six hundred fifty  
133 dollars for each subsequent offense. Any person who violates the  
134 provisions of any other subsection of this section [or who fails to  
135 comply with a request or direction of an officer made pursuant to  
136 subsection (e) of this section] shall be fined not less than one hundred  
137 dollars nor more than five hundred dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	15-129

**ENV**      *Joint Favorable Subst. C/R*

JUD

**JUD**      *Joint Favorable*